

AMENDED IN SENATE MAY 17, 2016

AMENDED IN SENATE APRIL 26, 2016

AMENDED IN SENATE APRIL 5, 2016

SENATE BILL

No. 1311

Introduced by Senator Glazer

February 19, 2016

An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1311, as amended, Glazer. Vehicles: confidential home address.

Existing law makes confidential, upon request, the home addresses of specified governmental officials, peace officers, state employees, and certain other persons that appear in the records of the Department of Motor Vehicles. Existing law also makes confidential, upon request, the home address of the spouse or child of any of those persons, or the surviving spouse or child of a peace officer if the peace officer died in the line of duty, except for a spouse, surviving spouse, or child who was convicted of a crime and is on active parole or probation. Existing law prohibits the disclosure of the confidential home addresses described above, except as specified. Existing law requires a record of the department containing a confidential home address to be open to public inspection, as specified, if the address is completely obliterated or otherwise removed from the record. Existing law also provides that the home address of the surviving spouse or child of a peace officer, as specified, shall be withheld from public inspection for 3 years following the death of the peace officer.

This bill would require the department to discontinue holding a home address confidential, pursuant to the above provisions, for a child or spouse of specified persons if the child or spouse is convicted of a felony in this state or is convicted of an offense in another jurisdiction that, if committed in California, would be a felony.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
2 to read:
3 1808.4. (a) For all of the following persons, his or her home
4 address that appears in a record of the department is confidential
5 if the person requests the confidentiality of that information:
6 (1) Attorney General.
7 (2) State Public Defender.
8 (3) A Member of the Legislature.
9 (4) A judge or court commissioner.
10 (5) A district attorney.
11 (6) A public defender.
12 (7) An attorney employed by the Department of Justice, the
13 office of the State Public Defender, or a county office of the district
14 attorney or public defender.
15 (8) A city attorney and an attorney who submits verification
16 from his or her public employer that the attorney represents the
17 city in matters that routinely place the attorney in personal contact
18 with persons under investigation for, charged with, or convicted
19 of, committing criminal acts, if that attorney is employed by a city
20 attorney.
21 (9) A nonsworn police dispatcher.
22 (10) A child abuse investigator or social worker, working in
23 child protective services within a social services department.
24 (11) An active or retired peace officer, as defined in Chapter
25 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
26 Code.
27 (12) An employee of the Department of Corrections and
28 Rehabilitation, Division of Juvenile Facilities, or the Prison
29 Industry Authority specified in Sections 20403 and 20405 of the
30 Government Code.

1 (13) A nonsworn employee of a city police department, a county
2 sheriff's office, the Department of the California Highway Patrol,
3 a federal, state, or local detention facility, or a local juvenile hall,
4 camp, ranch, or home, who submits agency verification that, in
5 the normal course of his or her employment, he or she controls or
6 supervises inmates or is required to have a prisoner in his or her
7 care or custody.

8 (14) A county counsel assigned to child abuse cases.

9 (15) An investigator employed by the Department of Justice, a
10 county district attorney, or a county public defender.

11 (16) A member of a city council.

12 (17) A member of a board of supervisors.

13 (18) A federal prosecutor, criminal investigator, or National
14 Park Service Ranger working in this state.

15 (19) An active or retired city enforcement officer engaged in
16 the enforcement of the Vehicle Code or municipal parking
17 ordinances.

18 (20) An employee of a trial court.

19 (21) A psychiatric social worker employed by a county.

20 (22) A police or sheriff department employee designated by the
21 chief of police of the department or the sheriff of the county as
22 being in a sensitive position. A designation pursuant to this
23 paragraph shall, for purposes of this section, remain in effect for
24 three years subject to additional designations that, for purposes of
25 this section, shall remain in effect for additional three-year periods.

26 (23) A state employee in one of the following classifications:

27 (A) Licensing-Registration Examiner, Department of Motor
28 Vehicles.

29 (B) Motor Carrier Specialist I, Department of the California
30 Highway Patrol.

31 (C) Museum Security Officer and Supervising Museum Security
32 Officer.

33 (D) Licensing Program Analyst, State Department of Social
34 Services.

35 (24) (A) The spouse or child of a person listed in paragraphs
36 (1) to (23), inclusive, regardless of the spouse's or child's place
37 of residence.

38 (B) The surviving spouse or child of a peace officer, as defined
39 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
40 2 of the Penal Code, if the peace officer died in the line of duty.

1 (C) (i) Subparagraphs (A) and (B) shall not apply if the person
2 listed in those subparagraphs was convicted of a crime and is on
3 active parole or probation.

4 (ii) For requests made on or after January 1, 2011, the person
5 requesting confidentiality for their spouse or child listed in
6 subparagraph (A) or (B) shall declare, at the time of the request
7 for confidentiality, whether the spouse or child has been convicted
8 of a crime and is on active parole or probation.

9 (iii) Neither the listed person's employer nor the department
10 shall be required to verify, or be responsible for verifying, that a
11 person listed in subparagraph (A) or (B) was convicted of a crime
12 and is on active parole or probation.

13 (D) (i) The department shall discontinue holding a home address
14 ~~confidential~~, *confidential* pursuant to this ~~subdivision~~, *subdivision*
15 for a person specified in subparagraph (A) or (B) who is the child
16 or spouse of a person described in paragraph (9), (11), (13), or
17 (22) if the child or spouse is convicted of a felony in this state or
18 is convicted of an offense in another jurisdiction that, if committed
19 in California, would be a felony.

20 (ii) *The department shall comply with this subparagraph upon*
21 *receiving notice of a disqualifying conviction from the agency that*
22 *employs or formerly employed the parent or spouse of the convicted*
23 *person, or as soon as the department otherwise becomes aware*
24 *of the disqualifying conviction.*

25 (b) The confidential home address of a person listed in
26 subdivision (a) shall not be disclosed, except to any of the
27 following:

28 (1) A court.

29 (2) A law enforcement agency.

30 (3) The State Board of Equalization.

31 (4) An attorney in a civil or criminal action that demonstrates
32 to a court the need for the home address, if the disclosure is made
33 pursuant to a subpoena.

34 (5) A governmental agency to which, under any provision of
35 law, information is required to be furnished from records
36 maintained by the department.

37 (c) (1) A record of the department containing a confidential
38 home address shall be open to public inspection, as provided in
39 Section 1808, if the address is completely obliterated or otherwise
40 removed from the record.

1 (2) Following termination of office or employment, a
2 confidential home address shall be withheld from public inspection
3 for three years, unless the termination is the result of conviction
4 of a criminal offense. If the termination or separation is the result
5 of the filing of a criminal complaint, a confidential home address
6 shall be withheld from public inspection during the time in which
7 the terminated individual may file an appeal from termination,
8 while an appeal from termination is ongoing, and until the appeal
9 process is exhausted, after which confidentiality shall be at the
10 discretion of the employing agency if the termination or separation
11 is upheld. Upon reinstatement to an office or employment, the
12 protections of this section are available.

13 (3) With respect to a retired peace officer, his or her home
14 address shall be withheld from public inspection permanently upon
15 request of confidentiality at the time the information would
16 otherwise be opened. The home address of the surviving spouse
17 or child listed in subparagraph (B) of paragraph (24) of subdivision
18 (a) shall be withheld from public inspection for three years
19 following the death of the peace officer.

20 (4) The department shall inform a person who requests a
21 confidential home address what agency the individual whose
22 address was requested is employed by or the court at which the
23 judge or court commissioner presides.

24 (d) A violation of subdivision (a) by the disclosure of the
25 confidential home address of a peace officer, as specified in
26 paragraph (11) of subdivision (a), a nonsworn employee of the
27 city police department or county sheriff's office, or the spouses or
28 children of these persons, including, but not limited to, the
29 surviving spouse or child listed in subparagraph (B) of paragraph
30 (24) of subdivision (a), that results in bodily injury to the peace
31 officer, employee of the city police department or county sheriff's
32 office, or the spouses or children of these persons is a felony.